



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

### Declaration for Patent Application

As a named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated next to my name;

I believe I am the original, first and sole inventor (if only one name is listed) or an original, first and joint inventor (if plural names are listed in the signatory page(s) commencing at page 3 hereof) of the subject matter which is claimed and for which a patent is sought on the invention entitled

### CYTOKINES HAVING NEUROTROPHIC ACTIVITY

the specification of which (check one)

[ ] is attached hereto.

[X] was filed on March 17, 2000 as United States Application Number 09/527,275.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is known by me to be material to patentability as defined in 37 C.F.R. §1.56.

I hereby claim foreign priority benefits under 35 U.S.C. 119(a)-(d) or 365(b) of any foreign application(s) for patent or inventor's certificate or 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below, by checking the box, any foreign application for patent or inventor's certificate, or of any PCT international application having a filing date before that of the application on which priority is claimed:

<u>Prior Foreign Application(s)</u>			Priority Not Claimed	Certified Copy Filed?	
				YES	NO
<u>97 116 373.8</u>	<u>Europe</u>	<u>19 September 1997</u>	[ ]	[ ]	[ ]
(Number)	(Country)	(Day/Month/Year filed)			
<u>                    </u>	<u>                    </u>	<u>                    </u>	[ ]	[ ]	[ ]
(Number)	(Country)	(Day/Month/Year filed)			
<u>                    </u>	<u>                    </u>	<u>                    </u>	[ ]	[ ]	[ ]
(Number)	(Country)	(Day/Month/Year filed)			

I hereby claim the benefit under 35 U.S.C. §119(e) of any United States provisional application(s) listed below.

(Application Number)

(Filing Date)

(Application Number)

(Filing Date)

<u>PCT/EP98/06004</u> (Application Serial No.)	<u>21 September 1998</u> (Filing date)	<u>Pending</u> (Status: patented, pending, abandoned)
<u>(Application Serial No.)</u>	<u>(Filing date)</u>	<u>(Status: patented, pending, abandoned)</u>
<u>(Application Serial No.)</u>	<u>(Filing date)</u>	<u>(Status: patented, pending, abandoned)</u>
<u>(Application Serial No.)</u>	<u>(Filing date)</u>	<u>(Status: patented, pending, abandoned)</u>

As a named inventor, I hereby appoint the attorneys and/or agents associated with  
**Hamilton, Brook, Smith & Reynolds, P.C., Two Militia Drive, Lexington, Massachusetts 02421-4799**  
**Customer No. 21005,**

and \_\_\_\_\_,  
to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith.

**Please send correspondence to:**

**[ X ] Customer No. 21005**  
**HAMILTON, BROOK, SMITH & REYNOLDS, P.C.**  
**Two Militia Drive**  
**Lexington, MA 02421-4799**

or


**[ ] Address as follows:**

Direct telephone calls to: Doreen M. Hogle, Esq. Telephone No.: 781-861-6240

Direct facsimiles to: Doreen M. Hogle, Esq. Facsimile No.: 781-861-9540

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of sole  
or first inventor Klaus Unsicker

Inventor's Signature  Date 23.7.2

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# 3

Full name of second joint

inventor, if any Jens Pohl

Inventor's Signature X Jens Pohl Date X July 24, 2000

Residence Bastwald 25  
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Citizenship Germany

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Full name of third joint

inventor, if any Michael Paulista

Inventor's Signature X Michael Paulista Date X 27.8.00

Residence Wingertstrasse 10  
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Citizenship Germany

Post Office Address Same

Full name of fourth joint

inventor, if any Rolf Bechtold

Inventor's Signature X Rolf Bechtold Date X July 21, 2000

Residence Carl-Zuckmayr-Strasse 21  
D-69126 Heidelberg

Citizenship Germany

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NOV 20 2000  
VERIFIED STATEMENT CLAIMING SMALL ENTITY STATUS  
(37 CFR 1.9(f) & 1.27(c)) - SMALL BUSINESS CONCERN

DOCKET NUMBER: 2896.1002-001

Applicant or Patentee: Klaus Unsicker, Jens Pohl, Michael Paulista and Rolf Bechtold  
Serial or Patent No.: 09/527,275  
Filed or Issued: March 17, 2000  
Title: Cytokines Having Neurotrophic Activity

I hereby declare that I am

- ☐ the owner of the small business concern identified below:  
☒ an official of the small business concern empowered to act on behalf of the concern identified below:

NAME OF SMALL BUSINESS CONCERN Biopharm Gesellschaft zur biotechnologischen Entwicklung und zum Vertrieb von  
Pharmaka mbH  
ADDRESS OF SMALL BUSINESS CONCERN Czernyring 22, D-69115 Heidelberg, Germany

I hereby declare that the above identified small business concern qualifies as a small business concern as defined in 13 CFR 121.12 and reproduced in 37 CFR 1.9(d), for purposes of paying reduced fees to the United States Patent and Trademark Office, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both.

I hereby declare that rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the invention described in:

- ☐ the specification filed herewith with title as listed above.  
☒ the application identified above.  
☐ the patent identified above.

If the rights held by the above identified small business concern are not exclusive, each individual, concern or organization having rights in the invention must file separate verified statements averring to their status as small entities, and no rights to the invention are held by any person, other than the inventor, who would not qualify as an independent inventor under 37 CFR 1.9(c) if that person made the invention, or by any concern which would not qualify as a small business concern under 37 CFR 1.9(d), or a nonprofit organization under 37 CFR 1.9(e).

Each person, concern or organization having any rights in the invention is listed below:

- ☒ no such person, concern, or organization exists.  
☐ each such person, concern or organization is listed below.

Separate verified statements are required from each named person, concern, or organization having rights to the invention averring to their status as small entities. (37 CFR 1.27)

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b))

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

NAME OF PERSON SIGNING Jens Pohl

TITLE OF PERSON IF OTHER THAN OWNER Managing Director

ADDRESS OF PERSON SIGNING Czernyring 22, 69115 Heidelberg, Germany

SIGNATURE X Jens Pohl DATE X 24th of July 2000